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8 UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 **In the Matter of the Seizure of:**

12 Any and all funds held in Republic  
13 Bank of Arizona Account(s) xxxx1889,  
14 xxxx2592, xxxx1938, xxxx2912, and,  
15 xxxx2500.

Case No. 2:18-cv-06742-RGK-PJW

**CLAIMANT MICHAEL LACEY'S  
OPPOSITION TO GOVERNMENT'S  
NOTICE TO THE COURT (DOC. 71)**

Assigned to Hon. R. Gary. Klausner

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18 On August 1, 2018, Movant James Larkin filed a Notice of Motion and Motion to  
19 Vacate or Modify Seizure Warrants (*see* Doc. 6), which Mr. Lacey joined (*see* Doc. 26).  
20 On August 10, 2018, Mr. Lacey filed a Notice of Motion and Motion for Release of Certain  
21 Untainted Funds. (*See* Doc. 22.) On September 14, 2018, the government filed its  
22 Opposition to Motion to Vacate or Modify Seizure Warrants. (*See* Doc. 53.)

23 In light of the fact that the government did not file any opposition to Mr. Lacey's  
24 Notice of Motion and Motion for Release of Certain Untainted Funds, despite having ample  
25 time to do so, Mr. Lacey filed a Notice of Non-Opposition to Motion for Release of Funds.  
26 (*See* Doc. 57.) Subsequently, this Court issued a Scheduling Notice indicating that it would  
27 take Mr. Lacey's Motion for Release under consideration without a hearing on "full  
28 consideration of properly submitted pleadings." (*See* Doc. 58.)

1           Then, on September 26, 2018, the government filed a Notice to the Court Re:  
2   Opposition Filed September 14, 2018 (“Notice to the Court”) (Doc. 71), in which the  
3   government states that “[t]he intention was that the opposition would apply to both the  
4   Motion to Vacate (Docket No. 6) and the Motion for [R]elease of Certain Untainted Funds  
5   (Docket No. 22).” (*Id.* at 1.) The government asks this Court to “accept the government’s  
6   Opposition to the Motion to Vacate as addressing both Motions.” (*Id.* at 2.)

7           This Court should deny the government’s request because the record indicates that  
8   the Notice to the Court is nothing more than an *improper attempt* to submit an *untimely*  
9   *opposition* to Mr. Lacey’s Motion for Release of Funds. First, the docket indicates that  
10   the government never sought an extension of its deadline to file its opposition to Mr.  
11   Lacey’s Motion for Release of Funds. Thus, by the time the government filed its  
12   opposition on September 14, 2018, which it now claims should be treated as an opposition  
13   to Mr. Lacey’s Motion for Release of Funds, it was untimely as to the Motion for Release  
14   of Funds.

15           Second, the government’s claim that it intended its opposition (Doc. 53) to apply to  
16   both the Motion to Vacate (Doc. 6) and the Motion for Release of Funds (Doc. 22) is  
17   belied by the title and text of its opposition. The title of its opposition—“Government’s  
18   Opposition to Motion to Vacate or Modify Seizure Warrants”—indicates that it is limited  
19   solely to the Motion to Vacate. The text of the opposition reflects the same limitation.  
20   The Motion to Vacate is mentioned by name and substance repeatedly; whereas there is  
21   not a single mention of Mr. Lacey’s Motion for Release of Funds or the challenges to  
22   seizures articulated therein. (*See* Doc. 53.) It is a stretch to argue that the opposition was  
23   intended to pertain to anything other than the Motion to Vacate.

24           Finally, the government has offered no explanation for how or why it filed a very  
25   detailed opposition to the Motion to Vacate, with no mention of the Motion for Release of  
26   Funds, even though it purportedly intended that the opposition would apply to both the  
27   Motion to Vacate and the Motion for Release of Funds.  
28

1 For all these reasons, Mr. Lacey respectfully requests that this Court deny the  
2 government's request to accept the government's Opposition to the Motion to Vacate as  
3 an opposition to both the Motion to Vacate and the Motion for Release of Funds.  
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5 DATED: September 28, 2018

Respectfully submitted,

6 Paul J. Cambria, Jr.

7 Lipsitz Green Scime Cambria LLP  
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10 By: /s/ Paul J. Cambria, Jr.

11 Paul J. Cambria, Jr.

12 Attorneys for Michael Lacey  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 28, 2018, I filed the foregoing with the United States District Court for the Central District of California using the CM/ECF system.

I hereby certify that on September 28, 2018, a copy of the foregoing was also delivered to the following via CM/ECF:

JOHN K. KUCERA, ESQ.  
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Dated: Buffalo, New York  
September 28, 2018

/s/April L. Kelly  
April L. Kelly